

Application No. 10/538,253
Paper Dated: February 18, 2008
In Reply to USPTO Correspondence of August 16, 2007
Attorney Docket No. 1217-051428

REMARKS

Claims 1, 4, and 7-10 are pending in the application. Claims 2-3 and 5-6 have been canceled. Claims 1 and 4 have been amended.

Claim Objections

The Examiner has stated that should claims 3 and 6 be found allowable, claims 7 and 8 will be objected to under 37 C.F.R. 1.75 as being substantial duplicates thereof. Applicant has canceled claims 3 and 6.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3-4, and 6-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art at the Specification page 2, line 18 through page 5, line 7, and Figures 3-4 (hereinafter "Admitted Prior Art") in view of United States Patent No. 5,755,522 to Ito (hereinafter "Ito") and United States Patent No. 6,823,920 to Gayoso (hereinafter "Gayoso"). Independent claims 1 and 4 have been amended to include the limitations of claims 3 and 6, respectively. Claims 3 and 6 have been canceled.

As a preliminary matter, Applicant respectfully requests withdrawal of the finality of the present Office Action as neither Ito nor Gayoso were cited by the Examiner in a prior Office Action. Furthermore, Applicant's previous amendments to the claims set forth in the Amendment dated June 20, 2007, included minor clarifications and the inclusion of subject matter set forth in previously presented claim 2 into previously presented claim 1. Accordingly, Applicant's previous amendment did not necessitate a new search or additional consideration by the Examiner. Reconsideration and withdrawal of the finality of the present Office Action is respectfully requested.

In the current action, the Examiner has taken the position that Applicant's Admitted Prior Art discloses all of the features of Applicant's claims except:

- a feed driving shaft of the reel of the feeding device being coupled to a first driving motor,
- a clutch always set in a slip state, which always rotates the take-up driving shaft at a higher speed than a predetermined speed,

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- the tension to be applied to the spacer being set within a predetermined tension for coupling the take-up driving shaft and the second driving motor, and
- an amount of take-up of the spacer take-up device is set to be greater than that of the feeding device, thereby taking up the spacer at a constant tension.

In order to rectify the significant deficiencies of the Admitted Prior Art, the Examiner applies Ito as disclosing a clutch always set in a slip state, which inherently rotates the take-up driving shaft at a higher speed than a predetermined speed. The Examiner asserts that the tension to be applied to the spacer is thus set within a predetermined tension, to couple the driving mechanism with the take-up device and an amount of web material that is set to be greater than that of the feeding device. The Examiner alleges that this would therefore take-up the web at a constant tension.

The Examiner acknowledges that Ito fails to disclose a feed driving shaft coupled to a first driving motor, and a take-up driving shaft coupled to a second motor. To rectify the deficiencies of both the Admitted Prior Art and Ito, the Examiner further applies Gayoso as disclosing driving a feeding and winding apparatus with one motor or multiple independent motors.

Applicant respectfully submits that the above-identified features are significant aspects of the present invention that distinguish the advantages of the present invention over the prior art. Applicant's claimed invention is directed to an apparatus and method for taking up a spacer in an apparatus for processing a film carrier tape for mounting an electronic component. As recited in Applicant's independent claims 1 and 4, *inter alia*,

wherein the clutch is always set in a slip state in such a manner that the second motor for the take-up driving shaft is always rotated at a higher speed than a predetermined speed, and the tension to be applied to the spacer is thus set within a predetermined tension (emphasis added).

As admitted by the Examiner, the Admitted Prior Art fails to disclose this feature. Furthermore, Ito fails to disclose 1.) a spacer, and 2.) that the tension applied to the spacer is set within a predetermined tension. Ito is directed to a coiling mechanism for recording paper used for a printer in which the recording paper 8 is wound once and is not reused. As stated in Col. 4, lines 41-51 of Ito:

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...the coiled spring 30 is slipped over a constant torque relative to the clutch gear 14a due to the winding direction of the coiled spring. As a result, even if the winding diameter is increased as the recording paper is wound and the difference is generated between the paper feeding speed from the printing mechanism and the winding speed of the drive shaft, since the driven pulley 14 is formed so as to be integral with the coiled spring 30, the driven pulley 14 is slipped by the action of the clutch mechanism. Thus the recording paper 8 fed from the printing mechanism is wound at a constant tension.

Accordingly, Ito provides that the tension applied to the recording paper 8 cannot be set within a predetermined tension. The coiled spring of Ito is adapted such that it is slipped against the shaft 14a of the trailing pulley 14 when more than a constant torque is exerted due to the winding direction. As constant tension is not provided to the spool 13 of the winding shaft 12 of Ito, the tension applied to the recording paper is not set within a predetermined tension as presently recited in Applicant's amended independent claims 1 and 4.

Furthermore, as the recording paper of Ito is not reused and is thus not equivalent to the spacer of Applicant's presently amended independent claims. Accordingly, Ito does not teach or suggest 1.) a spacer, or 2.) that the tension applied to the spacer is set within a predetermined tension. Even if the teachings of the Admitted Prior Art and Ito were combined, the resulting combination would not teach or suggest these features recited in Applicant's amended independent claims.

With respect to the teachings of Gayoso, the Examiner submits that Gayoso discloses driving a feeding and winding apparatus with one motor or multiple independent motors. Gayoso is directed to a device and method for applying a coating to both sides of printing media. In Gayoso, a constant tensioning is not provided to the winding spools 14 and 18 according to the feeding amount of the coated material web supply parts 12 and 16. Accordingly, the tension applied to the medium sheet 42 is not set within a predetermined tension. Gayoso fails to teach or suggest 1.) a spacer, or 2.) that the tension applied to the spacer is set within a predetermined tension.

Even if the teachings of the Admitted Prior Art, Ito and Gayoso were combined, the resulting combination would not teach all of the claim elements of amended independent claims 1 and 4. Dependent claims 7-10 depend directly or indirectly from independent claim 4 and are believed patentable for the reasons stated herein.

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Summary

Applicant respectfully submits that the presently claimed invention is patentably distinct over the combination of the Admitted Prior Art, Ito and Gayoso. Reconsideration and withdrawal of the rejection of claims 1, 4, and 7-10 is respectfully requested.

Respectfully submitted,
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